

ICEA Comments on Draft Part 451

Certification of Alternative Retail Electric Suppliers

The Illinois Competitive Energy Association (“ICEA”) was formed as an Illinois-based trade association whose mission is to foster the development of competitive retail energy markets in Illinois in order to bring the benefits of competitive supply to all customers, regardless of their energy supplier. The ICEA is an Illinois not-for-profit corporation organized under the laws of the State of Illinois. The President of ICEA is Kevin K. Wright, a former Chairman and Commissioner of the Illinois Commerce Commission (“ICC” or “Commission”).

ICEA and its members appreciate the efforts of the Staff of the Illinois Commerce Commission (“Staff”) to provide changes for RES certification requirements in Part 451 to better reflect current energy industry.

Overall, ICEA agrees with majority of the recommended changes as improvements and raise two items for Staff’s consideration.

ICEA’s suggested revisions to the proposed Rules.

A. Subpart A. General Provisions. 451.20 Requirements for All Applicants under Section 16-115(d) of the Act.

451.20 (b) This section states that all applicants are required to provide for review by Staff on a confidential and proprietary basis data related to contracts for the purchase and sale of electric power and energy.

First, is this specifically applicable for contracts entered into before March 15, 2009 in order to ensure compliance with RPS? Or is it intended to replace the current authority to review all power contracts?

Second, if this is to replace the current authority to review all power purchase and sales contracts, ICEA recommends the review is limited for contracts for those retail customer classes having established annual usage of less than 15,000 kilowatt-hours, including all residential classes. In determining whether a customer has consumed 15,000 kilowatt-hours of electricity or less, usage by the same commercial customer shall be aggregated to include usage at the same premises even if measured by more than one meter, and to include usage at multiple premises. Additionally, ICEA requests that Staff be required to provide any comments within 3 working days of submitting of the agreement so that Staff’s comments, if any, can be taken under advice prior to utilization of the agreement.

B. The following comments are applicable for all of the following: Technical qualifications: Subpart B 451.120 (c); Subpart C 451.230 (c); and Subpart D 451.330 (c) PLUS Managerial qualifications: Subpart B 451.130 (a); Subpart C 45.240 (a); and 451.340 (a)

ICEA is confused by the Staff’s request to provide “dates and locations” of the persons where their experience is being used to meet the requirements of the appropriate section. For example, when requesting dates; is the Commission looking for specific dates or amount of time the job was performed or the duration of time the person was employed in such a position? When referring to “location”; is the Commission looking for the name of the company that employed the person or is the Commission asking for the name of the utility or state the person supported – such as a person from ARES A located in Washington overseeing power supply for ComEd in Illinois.

If the intent of the change is to seek the level of experience, ICEA recommends replacing “dates and locations” with “duration” which would result in providing a length of time that can be used as a solid method of measuring the level of experience which may address the intent more appropriately.